



MEMORANDUM ENDORSED

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June 18, 2024

BY ECF

Honorable Gabriel W. Gorenstein
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *O.M. et al. v. N.Y.C. Dep't of Educ. et al.*, 23-cv-04446 (AT)(GWG)

Dear Judge Gorenstein:

I am the Assistant Corporation Counsel in the Office of the Corporation Counsel of the City of New York, assigned to represent Defendants in the above-referenced action. In accordance with Your Honor's Standing Order Applicable to Settlement Conferences (*see* Dkt. No. 71, ECF pp. 4-6), and with consent from Plaintiff's counsel, I write to respectfully request an adjournment *sine die* of the settlement conference scheduled for June 25, 2024, and an extension of associated document submission/service deadlines. If these requests are granted, the parties will confer regarding alternative conference dates and propose same to the Court.

By Order dated May 20, 2024, Your Honor adjourned the settlement conference in this matter to June 25, 2024, at 2:30 p.m. in Courtroom 519, 40 Centre Street. Dkt. No. 77. That Order noted that all other provisions in Your Honor's Order dated May 2, 2024 (Dkt. No. 71) remain in effect, and that pre-conference submissions, which include the confidential pre-settlement-conference letter and the required Acknowledgement Form, are due by June 18, 2024. Additionally, the Order dated May 2, 2024 had directed, *inter alia*, that Defendants shall respond to Plaintiff's reaffirmed settlement demand by no later than seven days prior to the conference. Dkt. No. 71, ECF p. 2. Finally, per paragraph 1.G of Your Honor's Individual Practices, parties may request that an attorney be permitted to bring an electronic device to the Courthouse by filing a letter and electronic device form at least two business days before the proceeding at issue.

Earlier today, my DOE attorney liaison for this matter — the client representative who would attend the settlement conference — learned that a close family member requires a significant medical procedure next Monday, June 24, which is the day before the conference. My

client will need to provide assistance to their family member before and after the procedure, which will take place in another state. My client's return flight to New York is scheduled for the following afternoon, the day of the conference, with expected boarding at 4 p.m. Therefore, if the conference proceeds as presently scheduled, my client would be able to attend only by phone, and likely would not be able to attend the full conference.

For these reasons, Defendants respectfully request that the Court adjourn the settlement conference *sine die* and extend the aforementioned document submission and service deadlines coextensively. If Your Honor grants these requests, the parties will confer regarding the availability of all necessary attendees and will propose alternative date(s) as early as feasible. If Your Honor denies these requests, the parties respectfully request that the deadline for pre-conference submissions and Defendants' deadline to respond to Plaintiff's reaffirmed settlement demand be extended by one business day, to June 20, 2024.

Thank you for your consideration of these requests.

Respectfully,

/s/ _____
Darian Alexander
Assistant Corporation Counsel

CC: BY ECF
all counsel of record

Application to adjourn sine die granted. The parties shall propose new dates in accordance with the procedures in Docket # 71 forthwith.

So Ordered.



GABRIEL W. GORENSTEIN
United States Magistrate Judge

June 20, 2024